

AN ORDINANCE 100876

CANVASSING THE RESULTS OF THE JOINT GENERAL AND SPECIAL ELECTION HELD ON SATURDAY, MAY 7, 2005; ORDERING A RUN-OFF ELECTION FOR THE CITY COUNCIL TO BE HELD ON TUESDAY, JUNE 7, 2005; AND ESTABLISHING EARLY VOTING AND ELECTION DAY POLLING LOCATIONS FOR THE RUN-OFF ELECTION.

* * * *

WHEREAS, the Joint General and Special Election was held on the Saturday, May 7, 2005, to determine the Mayor and Council Members of the City of San Antonio, and for consideration of three propositions; and

WHEREAS, at said election, the voters of the City of San Antonio were asked to elect members of the City Council for Place 1 through 10, each such member to be elected by a majority vote of the qualified electors voting in said election in the particular district; and to elect a Mayor (Place 11), such member to be elected by a majority of all qualified electors voting in said election; and

WHEREAS, the voters of the City were also asked to consider whether to establish the Edwards Aquifer Protection Venue Project and the Parks Development and Expansion Venue Project and to authorize the imposition of a sales and use tax at the rate of 1/8 of 1% for the purpose of financing said venue projects; and to consider whether the City should be authorized to limit the amount of ad valorem taxes imposed on the residence homesteads of the disabled or elderly; and

WHEREAS, the names of the candidates and the propositions were submitted to the voters, the election was held and conducted and the returns thereof were made, all as required by the City Charter and the laws of the State of Texas; and

WHEREAS, the City Council has reviewed and investigated all matters pertaining to the election, including the ordering, notices, election officers, holding, and returns thereof, and it is now necessary to declare the official results of the canvass; and

WHEREAS, at said election, no candidate for the Office of Council Member for Places 6, 7, and 11 (Mayor) received a majority of votes for the office sought, and therefore, no candidate was elected at said election for said Places; and

WHEREAS, it is now necessary to order a Run-off Municipal Election for Tuesday, June 7, 2005, for the purpose of electing the Council Members for those places; and

WHEREAS, it is further necessary to establish Early Voting and Election Day polling sites for the Run-off Election, and to take other actions related to the May 7, 2005 Election and the June 7, 2005 Run-off Election; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council having convened on this the 17th day of May, 2005, to canvass the returns of the Joint General and Special Election held on May 7, 2005 and after canvassing the returns of said election, officially finds and determines that said election was duly ordered; proper notice of said election was duly given; proper election officers were duly appointed prior to said election; said election was duly held; the City has complied with the Federal Voting Rights Act and the Texas Election Code; and due returns of the result of said election have been made and delivered, all in accordance with law and the Ordinance calling the election.

SECTION 2. The City Council does hereby officially find and declare the results of the General election to be as follows:

FOR MEMBER OF COUNCIL, PLACE NO. 1:

"FOR"	Roger O. Flores, Jr.	4,709 votes
-------	----------------------	-------------

FOR MEMBER OF COUNCIL, PLACE NO. 2:

"FOR"	David Arevalo	1,037 votes
"FOR"	Joel Williams	2,203 votes
"FOR"	Sheila D. McNeil	3,924 votes

FOR MEMBER OF COUNCIL, PLACE NO. 3:

"FOR"	Roland Gutierrez	5,695 votes
"FOR"	Ron H. Segovia	2,807 votes

FOR MEMBER OF COUNCIL, PLACE NO. 4:

"FOR"	Richard Perez	4,431 votes
"FOR"	Ruby Resendez	1,239 votes

FOR MEMBER OF COUNCIL, PLACE NO. 5:

"FOR"	Patti Radle	4,972 votes
"FOR"	Don Wilkins Castillo	672 votes
"FOR"	Raymond Zavala	931 votes

FOR MEMBER OF COUNCIL, PLACE NO. 6:

"FOR"	Michael Angelo Gonzales	247 votes
"FOR"	Ray Pena	382 votes
"FOR"	Ray Lopez	2,855 votes
"FOR"	Delicia Herrera	2,107 votes
"FOR"	Dominick Dina	1,003 votes
"FOR"	Larry Romo	2,001 votes
"FOR"	Saul Santos	181 votes
"FOR"	Pete Galaviz	343 votes

FOR MEMBER OF COUNCIL, PLACE NO. 7:

"FOR"	Jim Valdez	816 votes
"FOR"	Elena Guajardo	3,164 votes
"FOR"	Noel A. Suniga	2,657 votes
"FOR"	Reinette Alecozay	322 votes
"FOR"	Ernie MacDonald	1,620 votes
"FOR"	Ted R. Kenyon	832 votes
"FOR"	Cynthia A. Test	2,625 votes
"FOR"	Fred A. Rangel	1,896 votes

FOR MEMBER OF COUNCIL, PLACE NO. 8:

"FOR"	Bert Cecconi	3,859 votes
"FOR"	Art A. Hall	7,477 votes
"FOR"	Mike Keogh	1,984 votes
"FOR"	Carlos Cardenas	711 votes
"FOR"	Gabriel "Gabe" Perales, Jr.	647 votes

FOR MEMBER OF COUNCIL, PLACE NO. 9:

"FOR"	Weston Martinez	4,381 votes
"FOR"	Kevin Wolff	11,664 votes

FOR MEMBER OF COUNCIL, PLACE NO. 10:

"FOR"	Steven Schauer	4,506 votes
"FOR"	Christopher "Chip" Haass	8,457 votes
"FOR"	Jose "Joey" Hernandez	1,697 votes

FOR MEMBER OF COUNCIL, PLACE NO. 11 (MAYOR):

"FOR"	Julie Iris Oldham	919 votes
"FOR"	Julian Castro	47,903 votes
"FOR"	Rhett R. Smith	289 votes
"FOR"	Carroll Schubert	30,034 votes
"FOR"	Phil Hardberger	34,292 votes
"FOR"	Michael Idrogo	270 votes
"FOR"	Everett Caldwell	391 votes

SECTION 3. As a result of said election, the following persons were elected Council Members for a two-year term commencing June 1, 2005:

Roger O. Flores, Jr.	Member of Council	Place No. 1
Sheila D. McNeil	Member of Council	Place No. 2
Roland Gutierrez	Member of Council	Place No. 3
Richard Perez	Member of Council	Place No. 4
Patti Radle	Member of Council	Place No. 5
Art A. Hall	Member of Council	Place No. 8
Kevin Wolff	Member of Council	Place No. 9
Christopher "Chip" Haass	Member of Council	Place No. 10

and each person was elected by receiving a majority of all the votes cast for the office, for which each was a candidate, cast by the qualified voters of the City of San Antonio voting at said election, and each of them are hereby declared to be the lawful and duly elected Council Member of the City of San Antonio for the places specified.

SECTION 4. It is further declared that as a result of said election, no candidate for Places 6, 7, and 11 (Mayor) received a majority of all votes cast by the qualified voters of the City voting in said election, as required by the Charter of the City of San Antonio, and therefore, no candidate was elected for Member of Council for these places. The two candidates in each of the Places 6, 7, and 11 (Mayor) receiving the highest number of votes for each such place in the May 7th Election shall again be voted for at the June 7th Run-off Election. A Run-off Election will be necessary in order that the candidate receiving the highest number of votes shall have received a majority of all the votes cast for the office.

SECTION 5. A Run-off Election for the purpose of electing members of the City Council of the City of San Antonio, Places 6, 7, and 11 (Mayor) is hereby ordered to be held in the City of San Antonio, Bexar County, Texas on the 7th day of June, 2005, in accordance with the laws of the State of Texas and the provisions of the Charter of the City of San Antonio. The official ballots for said election shall be prepared in accordance with the Texas Election Code. The two candidates receiving the highest number of votes for each of the Places 6, 7, and 11 (Mayor) shall again be voted for at the Run-off Election ordered herein. The Bexar County Elections Administrator shall conduct the June 7, 2005 Run-off Election, as approved by City Council through Ordinance No. 100631.

SECTION 6. Early voting for the Run-off Election shall commence on Tuesday, May 31, 2005, and end on Friday, June 3, 2005. The hours of early voting and the early voting polling sites for the Run-off Election are set out in **Exhibit A**, attached hereto and incorporated herein for all purposes.

SECTION 7. The election day polling sites for the June 7, 2005 Run-off Election are set out in **Exhibit B**, attached hereto and incorporated herein for all purposes.

SECTION 8. Voting for the Tuesday, June 7, 2005 Run-off Election shall be conducted by the use of AIS650 Tabulators and paper ballots, as determined by the City Clerk of the City of San Antonio and the Bexar County Elections Administrator. The AIS650 Tabulators and paper ballots shall also be used for the casting of early votes by mail, for early voting by personal appearance, and for provisional voting.

SECTION 9. Electors may cast their early vote by mail, and the early voting clerk's mailing address to which ballot applications and ballots voted by mail shall be sent to, is as follows:

Early Voting Clerk
203 W. Nueva, Suite 3.61
San Antonio, Texas 78207

The last day to receive an application for a ballot to be voted by mail is Tuesday, May 31, 2005, by 5:00 P.M.

SECTION 10. (a) Form of Notice of Election. The City Clerk of the City of San Antonio is hereby authorized and directed to prepare a form of the Notice of Election in both English and Spanish, the contents of which comply with the requirements of Section 4.004 of the Texas Election Code (and other applicable law), and include at a minimum, the nature and date of the election, the location of each election day and early voting polling place, the hours the polls will be open, the locations, dates, and times of temporary branch locations of early voting by personal appearance, the early voting clerk's mailing address, and any other information required by other law, and with such variations permitted by applicable law.

(b) Method of Giving Notice. Notice of said election shall be given by posting a copy of said Notice of Election, both in English and in Spanish, not later than the 15th day before the date set for said election on the bulletin board used for posting notices of the meetings of the City Council of the City. Notice of said election shall also be given by publishing said Notice of Election, both in English and in Spanish, at least once, not earlier than the 30th day or later than the 10th day before Election Day, in a newspaper of general circulation published in the City of San Antonio. It is hereby found and declared that the San Antonio Express-News is a newspaper of general circulation within the City.

SECTION 11. The City Council, after canvassing the returns of the May 7, 2005 Special Election, does hereby find and declare that the following votes were cast at said Special Election on the submitted PROPOSITIONS by the resident, qualified electors of the City who voted at the election:

**THE EDWARDS AQUIFER PROTECTION VENUE PROJECT
PROPOSITION**

PROPOSITION NO. 1

Authorizing the City of San Antonio to protect water quality in the Edwards Aquifer by establishing a watershed protection and preservation project known as the "**Edwards Aquifer Protection Venue Project**" to acquire and preserve land or interests in land in the Edwards Aquifer recharge and contributing zones both inside and outside Bexar County, and to impose a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%), (a portion of which tax shall be shared with and used for the "**Parks Development and Expansion Venue Project**" if such venue project is also approved by the voters), in an amount not to exceed \$90 million (including costs of issuance and interest on bonds or other obligations, if any), for the purpose of financing the "**Edwards Aquifer Protection Venue Project**"?"

FOR	61,022 VOTES	55.12%
AGAINST	49,695 VOTES	44.88%

**THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT
PROPOSITION**

PROPOSITION NO. 2

Authorizing the City of San Antonio to provide for the planning, acquisition, establishment, development, construction, or renovation of the "**Parks Development and Expansion Venue Project**" which includes the acquisition of open space and linear parks along Leon Creek, Salado Creek, Medina River, and San Antonio River, and for improvements and additions to the Municipal Parks and Recreation System, and to impose a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%) (a portion of which tax shall be shared with and used for the "**Edwards Aquifer Protection Venue Project**" if such venue project is also approved by the voters) for the purpose of financing the "**Parks Development and Expansion Venue Project**" in an amount not to exceed \$45 million (including the costs of issuance and interest on bonds or other obligations, if any)?

FOR	59,920 VOTES	53.82%
AGAINST	51,416 VOTES	46.18%

**TAX FREEZE FOR THE DISABLED AND ELDERLY
PROPOSITION**

PROPOSITION NO. 3

Authorizing the City of San Antonio, Texas, to establish a limitation on the amount of ad valorem taxes imposed on the homestead of a person who is disabled or is sixty-five (65) years of age or older and receives a residence homestead exemption, as authorized by Article VIII., Section 1-b(h) of the Texas Constitution, formerly known as Proposition 13.

FOR	92,668 VOTES	82.14%
AGAINST	20,152 VOTES	17.86%

SECTION 12. The City Council hereby finds, determines, and declares the result of said Special Election to be that **PROPOSITION NUMBER 1—EDWARDS AQUIFER PROTECTION VENUE PROJECT PROPOSITION, PROPOSITION NUMBER 2—PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT PROPOSITION, AND PROPOSITION NUMBER 3—TAX FREEZE FOR THE DISABLED AND ELDERLY PROPOSITION**, so submitted to the voters were each approved and have each received a favorable majority vote in all respects and have carried.

SECTION 13. The City Council hereby finds that pursuant to such election, the voters of the City (i) have, as a result of such election, authorized the City Council to establish the Edwards Aquifer Protection Venue Project and the Parks Development and Expansion Venue Project, and (ii) have further, as a result of such election, authorized the City Council to impose, levy, assess, and collect the aforesaid sales and use tax, as provided in Chapter 334 of the Texas Local Government Code, up to an amount not to exceed the combined \$135 million, such limit contained in PROPOSITIONS NO. 1 AND NO. 2 as follows: \$90 million limit contained in **PROPOSITION NUMBER 1—EDWARDS AQUIFER PROTECTION VENUE PROJECT PROPOSITION** and \$45 million limit contained in **PROPOSITION NUMBER 2—PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT PROPOSITION**, as voted and as provided by law, for the purpose of financing said Venue Projects. The City Council shall hereafter adopt by separate and subsequent action, an ordinance (the "Sales Tax Levy Ordinance") adopting, imposing, and levying the aforesaid sales and use tax at the maximum rate not to exceed one-eighth of one percent (1/8 of 1%), as approved by the voters of City.


SECTION 14. The City Clerk is hereby authorized and directed to send to the State Comptroller of Public Accounts by United States certified or registered mail, a certified copy of this Ordinance, along with a map of the City, clearly showing the boundaries of the City, and upon its adoption hereafter, a certified copy of the Sales Tax Levy Ordinance, as required by Chapter 334 of the Texas Local Government Code, and Section 321.405 of the Texas Tax Code.

05/17/05

SECTION 15. The City Council hereby finds that pursuant to such election, the voters of the City have, as a result of such election, also authorized the City Council to limit the amount of ad valorem taxes imposed on the residence homesteads of the disabled or elderly. The Interim City Manager, or his designee, is authorized to take any necessary action to effect said tax freeze in accordance with said Proposition No. 3.

SECTION 16. This ordinance shall take effect on May 17, 2005, if approved by eight (8) or more affirmative votes; otherwise, said ordinance shall be effective on and after the tenth (10th) day from the date of passage hereof.

PASSED AND APPROVED on this the 17th day of May, 2005.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

Agenda Voting Results

Name: Adoption of an Ordinance canvassing the results of the Joint General and Special Election held on Saturday, May 7, 2005; ordering a Run-off Election for the City Council to be held on Tuesday, June 7, 2005; and establishing early voting and election day polling locations for the Run-off Election

Date: 05/17/05

Time 02:30:14 PM

Vote Type Multiple selection

Description

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2	Not present			
RON H. SEGOVIA	DISTRICT 3	Not present			
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7	Not present			
ART A. HALL	DISTRICT 8	Not present			
CARROLL SCHUBERT	DISTRICT 9	Not present			
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		